

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY CHAMBERLIN,

Defendant.

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Case No. 06-5056-01-CR-SW-RED

ORDER

Now before the Court is Defendant's Motion to Suppress Evidence and Statements (Doc. 18), the Government's Response in Opposition to Defendant's Motion to Suppress Evidence Pursuant to Franks v. Delaware and for Violation of Miranda v. Arizona (Doc. 19), and the Report and Recommendation of United States Magistrate Judge (Doc. 24).

Defendant Larry Chamberlin seeks to suppress all evidence seized as a result of the search warrant executed on August 30, 2006, and all statements he made to Special Agent Wiegner in telephone calls during the execution of the warrant. Defendant argues the affidavit supporting the search warrant was inadequate to establish probable cause because it did not contain sufficient and corroborated evidence. Defendant further argues the hearsay statements contained within the affidavit are untrue. Additionally, Defendant contends all statements he made in phone conversations with Special Agent Wiegner while the warrant was being executed should be suppressed based on the fact the statements were made before he was read his *Miranda* rights. On March 20, 2007, United States Magistrate Judge James C. England held an evidentiary hearing on Defendant's Motion to Suppress, and subsequently issued his Report and Recommendation (Doc. 30) on April 5, 2007, recommending that Defendant's Motion to

Suppress Evidence and Statements be denied. Defendant has filed no objections to the Magistrate's Report and Recommendation, and the time in which to do so has now passed.

Upon careful and independent review of the pending motion, the suggestions filed by the parties in regard to said motion, and the applicable law, the Court ADOPTS the Report and Recommendation of United States Magistrate Judge (Doc. 24) in full. Accordingly, it is hereby **ORDERED** that Defendant's Motion to Suppress Evidence and Statements (Doc. 18) is **DENIED**.

IT IS SO ORDERED.

DATE: May 1, 2007

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT